



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001



SEMS DocID 596470

URGENT LEGAL MATTER – PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

FEB 27 1997

Dennis Lovley
246 Winding Ridge Road
Southington, Connecticut 06489

Superfund Records Center
SITE: A.M. Developers
BUREAU: 11.9
OFFICE: 596470

Re: **NOTICE OF POTENTIAL LIABILITY AND INVITATION TO PERFORM OR
FINANCE PROPOSED CLEANUP ACTIVITIES:
A.M. Developers Site, Southington, CT**

Dear Mr. Lovley:

This letter serves to notify you of potential liability regarding the A.M. Developers Site ("Site"), as defined by Section 107 (a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a). This letter also notifies you of planned removal activities at the Site which you are invited to perform or finance and which you may be ordered to perform at a later date.

NOTICE OF POTENTIAL LIABILITY

The United States Environmental Protection Agency ("EPA") has documented the release or threatened release of hazardous substances or pollutants or contaminants at the Site, which is located at 53 West Main Street, Southington, Connecticut, as further described on a warranty deed recorded with the Town Clerk of Southington, CT in Volume 401, Page 410.

Hazardous substances involved in the release or threat of release at the Site include, but are not limited to, polychlorinated biphenyls (PCB). EPA has spent or is considering spending public funds on actions to investigate and control such releases or threatened releases at the Site. Unless a potentially responsible party ("PRP") or parties commit to properly performing or financing such actions, EPA will perform these actions pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6973, and other laws, liable parties may be obligated to implement response actions deemed necessary by EPA to protect public health, welfare, or the environment and may be liable for all costs incurred by the Government in responding to any release or threatened release at the Site. Such actions and costs may include, but are not limited to, expenditures for investigations, planning, response, oversight, and enforcement activities.



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Responsible parties under CERCLA include current and former owners and operators of the Site, persons who arranged for disposal or treatment of hazardous substances found at the Site (often called "generators"), and persons who accepted hazardous substances for transport to the Site (often called "transporters").

EPA has evaluated information gathered during investigations of the Site. Based on this information, EPA believes that you are a potentially responsible party under Section 107(a) of CERCLA with respect to the Site. Specifically, EPA has reason to believe that as current owner of the property, you have potential liability for the Site. You are urged to voluntarily perform or finance those response activities that EPA determines are necessary at the Site.

OUTLINE OF SITE RESPONSE ACTIVITIES

In accordance with CERCLA and other authorities, EPA has undertaken certain actions and incurred certain costs in response to conditions at the Site. To date these response actions have included site evaluations and limited soil removal.

Due to the presence of hazardous substances at the Site, and in light of other conditions, EPA has determined that there may be an imminent and substantial endangerment to public health, welfare, or the environment. In response, EPA plans to conduct the following immediate removal activities at the Site: further site characterization and sampling and analysis of soil to determine the extent of contamination, and disposal of contaminated materials at an EPA-approved disposal facility.

INVITATION TO PERFORM SITE RESPONSE ACTIVITIES

Before EPA spends additional public funds to undertake the removal action at the Site, EPA urges you to voluntarily perform removal activities or finance all the removal activities outlined above. Any such work performed by you in your capacity as a PRP may be conducted pursuant to an administrative order and an EPA-approved workplan as authorized by Section 106(a) or CERCLA, 42 U.S.C. § 9606(a). Prior to final issuance of such an order, a draft order would be sent to you or your representative for review and comment. Enclosed herewith is a copy of a summary of a generic Scope of Work. This document should provide you with an understanding of the types of plans and activities typically required by such an order.

Be advised that even if you do not indicate a willingness to perform or finance necessary response actions, EPA may order you to undertake such actions under Section 106 of CERCLA, 42 U.S.C. § 9606. Failure to comply with a Section 106(a) administrative order may result in a fine of up to \$25,000 per day under Section 106(b) or imposition of treble damages under Section 107(c) (3) of CERCLA. Further, you may be held liable under Section 107(a) for the cost of the response activities EPA performs at the Site and for any damages to natural resources. In

addition, by virtue of Section 113 of CERCLA, 42 U.S.C. § 9613, other PRPs who agree to perform the necessary response action may seek contribution protection.

PRP RESPONSE AND EPA CONTACT

You should contact EPA within five(5) business days after receipt of this letter to indicate your willingness to perform or finance the response activities outlined above. If EPA does not receive a response within that time, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the response and that you have declined any involvement in performing response activities. Be advised, however, that liability under CERCLA is joint and several; therefore, each PRP is potentially liable for undertaking all response actions or reimbursing the Government for the entire amount of its response costs. Other PRP's being notified of their potential liability at this Site include owners of record Anthony Milo, Frank Natri, Louis Matarazzo and Martin F. Talley.

Please provide the name, address, and telephone number of a designated contact for future communications. Your written response, including any technical comments or questions concerning the proposed response activities, should be directed to the EPA On-Scene Coordinator ("OSC") or the Enforcement Coordinator ("EC") for the Site:

Dorothy G. Parr
On-Scene Coordinator
U.S. Environmental Protection Agency
Emergency Response (HBR)
JFK Federal Building
Boston, Massachusetts 02203-2211
(617) 573-5768

Donald A. Mackie, Enforcement Coordinator
U.S. Environmental Protection Agency
Site Evaluation & Response Section I (HBR)
JFK Federal Building
Boston, Massachusetts 02203-2211
(617) 223-5527

DECISION NOT TO USE SPECIAL NOTICE

Under Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), EPA has the discretionary authority to invoke special notice procedures to formally negotiate the terms of an agreement between EPA and PRPs to conduct or finance response activities. The use of special notice procedures triggers a moratorium on certain EPA activities at the Site while formal negotiations between EPA and the

PRPs are conducted.

Due to the exigencies posed by conditions present at the Site, removal activities must be conducted as expeditiously as possible. EPA has therefore decided not to invoke the Section 122(e) special notice procedures with respect to CERCLA removal actions at this Site. Nonetheless, EPA is willing to discuss settlement opportunities without invoking a moratorium, but will continue the response action as planned unless such discussions lead expeditiously to a settlement.

ADMINISTRATIVE RECORD

Pursuant to Section 113(k) of CERCLA, 42 U.S.C. § 9613(k), EPA will establish an administrative record containing documents that form the basis of EPA's decision on the selection of response actions for the Site. The administrative record files may be inspected and comments may be submitted by contacting the OSC for the Site, Dorothy Parr, at the above address. The Administrative Record Files with corresponding index should be available for inspection at a repository near the Site within sixty (60) days of initiation of on-site removal activities.

SITE ACTIVITY OUTSIDE EPA ACTIONS

If you are already involved in discussions with state or other local authorities or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise or direct you to restrict or discontinue any such activities. However, you are advised to report the status of any such discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

CONSENT TO ACCESS

EPA requests written access to the Site, to perform or oversee the response actions discussed above. This request is enclosed.

PURPOSE AND USE OF THIS NOTICE

The factual and legal discussions contained in this letter are intended solely to provide notice and information. Such discussions are not intended to be, and cannot be, relied upon as EPA's final position on any matter set forth herein.

Due to the seriousness of the environmental and legal problems posed by conditions at the Site, EPA urges that you give immediate attention and provide a prompt response to this letter.

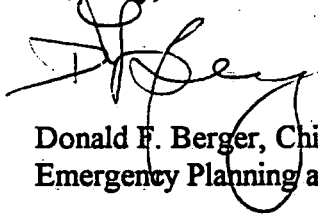
By copy of this letter, EPA is notifying the State of Massachusetts and the Natural Resources

Notice Letter/Dennis Lovley
A. M. Developers Site
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Trustees of EPA's intent to perform, or to enter into negotiations for the performance or financing of, response actions at the Site.

Thank you for your attention to this matter.

Sincerely,



Donald F. Berger, Chief
Emergency Planning and Response Branch

cc: Ben York, CT DEP
Andrew Raddant, Acting Environmental Officer - U.S. DOI
Ken Finkelstein, Natural Resources Trustee - NOAA
Dorothy Girten, EPA On-Scene Coordinator - HBR
✓ Donald A. Mackie, EPA Enforcement Coordinator - HBR
Margaret Meehan, EPA Administrative Records Coordinator-HBS

SUMMARY OF GENERIC SCOPE OF WORK

This summary of the Generic Scope of Work is provided for informational purposes only. More detailed provisions will be set forth in the site-specific Scope of Work. Provisions may vary from site to site.

When EPA determines that a Potentially Responsible Party (PRP) has the ability to promptly and properly prevent, mitigate, or eliminate the threats posed by hazardous substances at the Site, EPA may issue an Administrative Order (Order) to such party (the Respondent) with an attached Scope of Work (SOW). The Order and SOW, among other things, compel the Respondent to develop a plan to clean the Site. The components of the plan (also called a "deliverable") must be submitted to EPA for approval before implementation. Detailed instructions for generating each component shall be provided in the SOW. The plan shall consist of the components listed below.

- 1) Site Security - The Respondent shall provide on-site security service. Site security shall be maintained until EPA determines the threats posed by conditions at the Site are eliminated or substantially mitigated.**
- 2) Notification of Contractor Selection - The Respondent shall notify EPA of the proposed cleanup contractor selected to perform work required under the Order.**
- 3) Site-Specific Health and Safety Plan (HASP) - The Respondent shall develop and implement a HASP for all activities to be conducted at the Site. The HASP shall be developed to protect all on-site personnel and must comply with all applicable health and safety regulations.**
- 4) Quality Assurance Plan (QAP) - The Respondent shall develop a QAP to be utilized in conducting all field and laboratory analysis. The QAP shall ensure that analytical results generated are of known quality.**
- 5) Site Assessment Plan (SAP) - The Respondent shall develop a SAP specifying the overall strategy of the field investigative work necessary to characterize site contamination.**
- 6) Site Assessment - A Site Assessment shall be conducted following EPA approval of the SAP.**
- 7) Site Assessment Report and Cleanup Plan (SAR/CP) - Following completion of the Site Assessment, the Respondent shall develop a SAR/CP that summarizes the Site Assessment and proposes cleanup methods necessary to substantially mitigate and/or eliminate the threats posed by hazardous substances present at the Site.**
- 8) Site Cleanup - The Site Cleanup shall be conducted according to the EPA approved Cleanup Plan.**
- 9) Completion of Work Report (CWR) - Upon completion of the Site Cleanup, the Respondent shall submit a CWR summarizing the work performed under the Order and SOW and outlining any remaining contamination.**

At any time prior to or after the completion of the work specified in this SOW, EPA may determine that additional tasks are necessary in order to achieve the objectives of the Order, the SOW and CERCLA

Consent for Access to Property

Site Name: A. M. Developers Site

Site Address: 53 West Main Street, Southington, CT

I consent to the officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives of the United States Environmental Protection Agency ("EPA") entering and having continued access to the above-referenced property for the following purposes:

- Taking soil, water, groundwater, and air samples as may be determined necessary.
- Sampling any solids or liquids stored or disposed of on-Site.
- Drilling or excavating holes and the installing monitoring wells for subsurface investigation.
- Conducting response actions, or overseeing potentially responsible parties performing response actions, to mitigate the hazards posed by hazardous substances found at the Site.
- Collecting and copying documents that may be relevant to response/removal/cost recovery activities.
- Taking or evaluating the need to take other response actions.

I realize that these actions by EPA are undertaken pursuant to EPA's response and enforcement authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §9601 et seq and the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq.

I give this written permission voluntarily with knowledge of my right to refuse without threats or promise of any kind.

Signature of Property Owner or
Owner's Authorized Representative

Date

Name: _____

Title: _____

Address: _____

Telephone Number: _____

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

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2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Dennis Lovely
246 Winding Ridge Road
Southington CT 06489

4a. Article Number

P 175 262 828

4b. Service Type

- | | |
|---|--|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input checked="" type="checkbox"/> Return Receipt for Merchandise |

Date of Delivery

5. Signature (Addressee)

6. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Dennis Lovely

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P 175 262 828



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Restricted Delivery Fee	
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Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
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2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
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6. Save this receipt and present it if you make inquiry.